IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Bail Appl..No. 91 of 2007()

CR 232/06 of Karunagappally Excise Range

: PETITIONER/ACCUSED

ANILKUMAR, AGED 30 YEARS,
S/O. RAMAKRISHNAN, PERUMPALLY MELATHIL,
EZHUKONE CHERRY, EZHUKONE VILLAGE,
EZHUKONE P.O., KOLLANNOOR, KOLLAM.

BY ADV. SRI.H.HARIKUMAR (KOLLAM)

RESPONDENTS: COMPLAINANT
---

1. EXCISE INSPECTOR OF POLICE,
KARUNAGAPPALLY.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

==========

B.A.No.91 of 2007

==========

Dated this the 16th day of January, 2007.

ORDER

Petitioner, who is the accused in C.R.No.232 of 2006 of Karunagappally Excise Range for offences punishable under Sections 55(a) and 67(B) of Abkari Act for allegedly carrying 1530 litres of spirit on 7.12.2006 at about 1.30 a.m., seeks anticipatory bail.

2. According to the petitioner, except for the fact that he is the registered owner of a mini lorry in question, he had nothing to do with the offence and his lorry was stolen by somebody from his custody at 10 p.m. on 6.12.2006 and he had promptly lodged a complaint before the Ezhukone Police Station.

3. The learned Public Prosecutor submitted that the complicity of the petitioner would be fully found out only after the interrogation of the petitioner, who has not been responding to the notice issued in that behalf.

4. Having regard to the nature of the offence and the nature of the allegations and counter allegations, I am not inclined to grant anticipatory bail to the petitioner. But at the same time, I am inclined

to grant the petitioner an opportunity to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for regular bail considered on merits by the Magistrate having jurisdiction.

5. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 18.1.2007 and 20.1.2007 for the purpose of interrogation and recovery of incriminating material, if any. The petitioner shall thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

ess 16/1